

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE: §
§
DAVID DARRELL BRITT § CASE NO. 19-42383-R
XXX-XX-1071 §
506 COLGATE DRIVE § CHAPTER 13
ALLEN, TX 75013 §
§
PANDORA HENDERSON BRITT §
XXX-XX-1267 §
§
DEBTORS §

TRUSTEE'S REPORT FOR CONFIRMATION AND WITNESS AND EXHIBIT LIST

TRUSTEE'S REPORT FOR CONFIRMATION

Attorney for Debtors: RUBIN & ASSOCIATES, PC

Trustee: CAREY D. EBERT

Plan filed on: November 26, 2019

Confirmation Hearing: January 08, 2020

Applicable Committment Period: 60

I. Budget Information

A. Monthly income:

Debtor	\$	0.00
Joint Debtor	\$	0.00
Other	\$	3,691.19
Total	\$	3,691.19
Expenses	\$	6,137.00
Difference	\$	(2,445.81)

B. Monthly plan payments

*

\$300.00	for 2 months =	\$	600.00
\$2,275.00	for 58 months =	\$	131,950.00

II. Analysis of Plan

A. Monthly plan payment	*
B. Plan duration in months	60
C. Total to be paid into plan	\$ 132,550.00
D. Administrative allowance (10% of total to be paid into plan)	\$ 13,255.00
E. Net available to creditors	\$ 119,295.00

The Plan proposes the following treatment of the listed claims:

Creditor	Proposed Principal Amount	Rate	Term	Monthly Payment	Total
<u>TREATMENT OF SECURED CLAIMS:</u>					
Section 3.1 - Post Petition Home Mortgage Claims					
ALGONQUIN PROPERTIES LLC HOA DUES (Debtor is disbursing agent)	\$0.00	0.00		\$32.00	\$0.00
ALLEN ISD PROPERTY TAXES (Debtor is disbursing agent)	\$0.00	0.00		\$0.00	\$0.00
CITY OF ALLEN PROPERTY TAXES (Debtor is disbursing agent)	\$0.00	0.00		\$0.00	\$0.00
COLLIN COUNTY PROPERTY TAXES (Debtor is disbursing agent)	\$0.00	0.00		\$0.00	\$0.00
LOAN CARE HOMESTEAD (Debtor is disbursing agent)	\$0.00	0.00		\$2,471.00	\$0.00
Section 3.2 - Cure Claims					
LOAN CARE HOMESTEAD - ARREARS	\$8,900.00	0.00	1-60	\$0.00	\$8,900.00
FINANCIAL PACIFIC LEASING 2013 DOONAN TRAILER	\$9,612.00	0.00		\$0.00	\$9,612.00
UNITY ONE FEDERAL CREDIT UNION 2011 BMW 535I - ARREARS	\$1,467.00	0.00	1-60	\$0.00	\$1,467.00
WELLS FARGO DEALER SERVICES 2018 CHRYSLER PACIFICA - ARREARS	\$1,800.00	0.00	1-60	\$0.00	\$1,800.00
WELLS FARGO EQUIPMENT 2017 KENWORTH T880	\$15,000.00	0.00		\$0.00	\$15,000.00
Section 3.4 - Secured Claims Subject to §506 Bifurcation					
BMO HARRIS BANK N.A. 2016 PETERBILT 579	\$45,000.00	5.75		\$1,188.60	\$51,109.39
ENG'S COMMERCIAL FINANCE 2013 PETERBILT 386	\$23,729.64	7.00		\$644.02	\$27,692.52
ENG'S COMMERCIAL FINANCE COSTS & FEES PER AO	\$681.00	0.00		\$0.00	\$681.00
BMO HARRIS BANK N.A. 2016 PETERBILT 579 ** AP	\$0.00	0.00		\$675.00	\$0.00
ENG'S COMMERCIAL FINANCE 2013 PETERBILT 386 ** AP	\$0.00	0.00		\$391.50	\$0.00

TOTAL PAID TO SECURED CLAIMS: \$ 116,261.91

TREATMENT OF ADMINISTRATIVE EXPENSES, DSO CLAIMS AND OTHER PRIORITY CLAIMS:

Section 4.3 - Attorney Fees:

RUBIN & ASSOCIATES, PC	\$2,780.00	0.00	\$0.00	\$2,780.00
DEBTOR ATTORNEY				

TOTAL PAID TO PRIORITY AND SPECIALLY CLASSIFIED UNSECURED CLAIMS: \$ 2,780.00

TREATMENT OF NONPRIORITY UNSECURED CLAIMS:

Section 6.1 - Executory Contracts and Unexpired Leases

FINANCIAL PACIFIC LEASING	\$0.00	0.00	\$0.00	\$0.00
2013 DOONAN TRAILER LEASE (Assume lease)				

Section 5.2 - General Unsecured Claims

Allowed nonpriority unsecured claims shall comprise a single class of creditors and will be paid:

- 100% + interest
- 100% + interest with no future modifications to treatment under this section
- Pro Rata Share of all funds remaining after payment of all secured, priority, and specially classified unsecured claims.

Debtor Non Exempt Property	\$145.00
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Trustee Asserted Non Exempt Property	\$145.00
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TOTAL PAID TO PRIORITY, SPECIALLY CLASSIFIED UNSECURED AND SECURED CLAIMS: \$119,041.91

AMOUNT AVAILABLE TO UNSECURED CLAIMS: \$253.09

PROJECTED DISPOSABLE INCOME AMOUNT UNDER 11 USC §1325(b): \$0.00

The Trustee objects to confirmation on the following grounds:

- It does not appear that the Debtors will be able to make all payments under the plan as required by 11 USC §1325(a)(6).
- The plan violates 11 USC §1325(a)(4) in that it does not pay unsecured creditors the value of what they would receive in a case under Chapter 7.
- The Debtors have failed to amend Schedule B to reflect trucks owned directly by debtor
- The Debtors have failed to amend Schedule D to reflect truck debt
- The Debtors have not tendered to the Chapter 13 Trustee the following documents:
 - Statements for each of your depository and investment accounts for the time period that includes the date of the filing of the petition.
 - Reports of Receipts and Disbursements for September, 2019 forward.
 - Current declaration regarding status of post-petition obligations. (TXEB Local Form 3015-c)
- The Debtors liquidation value is not accurate and confirmation order must reflect current non-exempt value. (Section 5.3)

WITNESS AND EXHIBIT LIST

The Trustee reserves the right to call as a witness any or all of the following listed persons in relation to confirmation:

1. Carey D. Ebert, Chapter 13 Trustee
3. Len L. Nary
4. Debtors
5. Any witness designated by other party

The Trustee reserves the right to introduce into evidence any or all of the following:

1. Copy of the Trustee's Confirmation Report, Witness and Exhibit List
2. Copies of any schedules or pleadings as filed herein by the Debtors or any other party
3. Copies of any Proof of Claim as filed herein by any creditor or other party
4. Copies of any Chapter 13 Plan and amendments thereof filed herein by the Debtors
5. Copy of the latest computer printout from the Trustee's office representing the Chapter 13 Plan payments received by the Trustee from the Debtors
6. If the Debtors are self-employed, the Debtors' monthly operating reports or profit and loss statements provided to the Trustee
7. Copies of the Debtors' prior years' tax returns as provided to the Trustee
8. Copy of Required Amendments sheet from the §341 Meeting of Creditors
9. Copy of any other document produced by the Debtors at the §341 Meeting of Creditors, or subsequently produced by the Debtors to the Trustee
10. Copy of the current issue of the Dallas/Fort Worth Metroplex Apartment Guide and/or copies of current reports from www.apartmentratings.com
11. Reports from news media sources for the DFW Metroplex
12. Copies of any other exhibits designated by any other party

Copies of these exhibits will be provided by the Trustee upon request by any party.

Respectfully submitted,

/s/ Carey D. Ebert

Carey D. Ebert, TBN 05332500
Office of the Standing Chapter 13 Trustee
500 North Central Expressway, Suite 350
Plano, Texas 75074
(972) 943-2580

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Trustee's Report for Confirmation and Witness and Exhibit List has been served upon the following parties in interest on the date set forth below by either electronic service or mailing a copy of same to them via first class mail.

DAVID DARNELL BRITT
PANDORA HENDERSON BRITT
506 COLGATE DRIVE
ALLEN, TX 75013

PRA RECEIVABLES MANAGEMENT LLC
PO BOX 41021
NORFOLK, VA 23541

MARINOSCI & BAXTER
14643 DALLAS PARKWAY, SUITE 750
DALLAS, TX 75254-8884

KANE RUSSELL COLEMAN & LOGAN
5051 WESTHEIMER ROAD, 10TH FLOOR
HOUSTON, TX 77056

* RUBIN & ASSOCIATES, PC
13601 PRESTON ROAD
SUITE 500E
DALLAS, TX 75240-4964

LINEBARGAR GOGGAN BLAIR & SAMPSON
LLP
2777 N. STEMMONS FREEWAY SUITE 1000
DALLAS, TX 75207

BARRETT DAFFIN ET AL
4004 BELT LINE ROAD
SUITE 100
ADDISON, TX 75001

Dated: December 27, 2019

/s/ Carey D. Ebert
Office of the Standing Chapter 13 Trustee